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Remarks:			
<p>Attached are the comments on the surveillance bills by <div></div> of OTS, as well as a page of notes by ntm. I hope these are of some use to you.</p> <p><div></div></p> <p>David Brandwein D/OTS</p>			
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Comments on Senate and House Bills

Neither the Senate nor House bills show any understanding of the difference between foreign intelligence and domestic law enforcement. All bills restrict the Presidential powers on collection of foreign intelligence on national security grounds.

I certainly agree with [ ] comments. It will be very difficult to justify Sigint and Comint operations under the justification criteria set forth in the bills. The court orders require an inordinate amount of operational information and the ultimate disclosure that such surveillance has been conducted against an individual. (This ought to increase requests under the Freedom of Information Act.)

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The bills certainly restrict domestic operations of all types. The broad coverage House bills could be construed in such a way that transnational commo intercepts would have to receive court approval.

The effects of the bills on OTS would be that operations against domestic foreign targets or foreign or American nationals would require court approval and in many cases would be severely restricted or denied. The bills would cover access, non-access, computer intercepts, mail intercepts, medicept, [ ] and photo or video surveillance.

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Why shouldn't CIA brief the House and Senate bill drafters on the problems CIA has with their bills and educate them on Sigint and Comint intelligence and on the difference between foreign intelligence collection and domestic law enforcement? If properly done, some "exempt" or "escape" clauses would probably be written in. The other alternative would be to take the bills and rewrite them in such a way that a bill satisfactory to this Agency, the Intelligence Community, and the House and Senate would result. A small task force could achieve this and properly coordinate it. The time and effort to do this could pay dividends down through the years.

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Senate Bills - Items to Note

1. Any electronic surveillance requires court order.
2. No regulations on written intercepts.
3. No regulations on visual intercepts, i.e., photo/video.

Page 8 - Foreign information must be essential to military security and/or national defense.

4. No provisions for follow-on on intelligence collection not rated "essential" or for continuing surveillance started outside U.S.

Page 10 - A lot of pertinent operational information is required to meet the standards set forth.

Page 13 - What is considered evidence other than "conclusory"?

Page 14 - What are normal investigative procedures?

Page 16 - Fifteen days - does this include actual operating time or does time period run from time of signing order? Is installation time excluded?

House Bills

The House bills are broader in coverage and more restrictive. They cover electronic surveillance, mail intercept, records (prevents photo), computer information, etc.